

HONORABLE JUDGE SETTLE

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT
OF WASHINGTON AT TACOMA

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| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | NO. CR11-5232BHS |
| |) | |
| vs. |) | DEFENDANT S TRIAL BRIEF |
| |) | |
| MARK SKILES, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

Mark Skiles, by and through his attorney of record, Karen L. Unger, respectfully submits
this trial brief.

I. INTRODUCTION

Defendant Mark Skiles is charged by indictment with one count of Conspiracy to
Unlawfully Deal in Firearms, in violation of Title 18, United States Code, Section 371, and one
count of Unlawfully Dealing in Firearms, in violation of Title 18, United States Code, Section
922(a)(1)(A). Trial is set to begin on October 18, 2011. Defendant does not expect to call any
witnesses.

II. FACTS OF THE CASE

1 It is anticipated that the Government will put on evidence that Mr. Skiles was selling
2 firearms at several private gun shows for profit. It is also anticipated that the Government will
3 call several witnesses who observed Mr. Skiles at gun shows where he had a table set up, selling
4 firearms. Mr. Skiles does not dispute the fact that he did go to private gun shows nor the fact that
5 he did sell firearms to participants at these shows. However, what Mr. Skiles disputes, and has
6 from the very beginning of this investigation, is that he sold any firearm for profit, or that he was
7 in any conspiracy with Mr. Gussoni to sell firearms for a profit, without the benefit of a Federal
8 Firearms license. Mr. Skiles does not need a Federal Firearms License to sell firearms at private
9 gun shows, so long as it was not done for profit. Private sellers at gun shows are not required to
10 perform background checks on individuals who purchase guns at private gun shows; at some gun
11 shows, members are the only ones permitted to buy firearms, where these same members have
12 been subjected to background checks prior to admission to these private gun clubs.

13 The Washington Arms Collectors (WAC) is a membership organization in Washington
14 that puts on one of the largest gun shows in Washington State where only members can buy and
15 sell guns. The WAC are the sponsors of the gun shows visited by ATF agents at the Puyallup
16 Fairgrounds and at the Monroe Fairgrounds; the gun show in Centralia is similarly controlled.
17 Mr. Skiles had no reason to believe that he was violating any law when he made gun sales at any
18 of these gun shows.

19 The Government intends to introduce evidence regarding Mr. Skiles income, or lack
20 thereof, inferring that his lack of income as reported by the Washington State Employment
21 Security Department indicates that he must have been selling firearms at various gun shows for a
22 profit. What the Government has apparently failed to investigate is Mr. Skiles disability
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1 payments as received from the Veteran s Administration, as well as his Social Security Disability
2 income, which he has received on a monthly basis since he was found to be disabled as a result
3 of numerous medical problems, which appear to be self-evident.

4 Mr. Skiles has always cooperated with law enforcement officials, and even provided the
5 location of any of his firearms to the Government, following his first appearance before this
6 court, as this disclosure was a condition made by the court of his on-going release from custody.
7 Mr. Skiles met with Agent Heidi Wallace when contacted by her, and was always forthcoming
8 and cooperative in all of his dealings with Government agents. He spoke with her without the
9 benefit of counsel, and answered all of her questions to the best of his ability.

10 Mr. Skiles will categorically deny that he was in any kind of business relationship with
11 Mr. Gussoni, although they did share tables at gun shows and would often purchase guns from
12 Mary s Pistols on the same receipt, but always kept their sales of these guns, separate. Mr. Skiles
13 told Agent Wallace that, at some point in time, he advised Mr. Gussoni that he believed he was
14 selling too many guns to continue his practices without obtaining a Federal Firearms License.

15 III. CONCLUSION

16 Given Mr. Skiles medical disability and inability to work, he used his knowledge and
17 interest in firearms as a hobby, and did not make any profits from his legal sales of guns at gun
18 shows. Although he clearly attended gun shows along with Mr. Gussoni, he was not involved in
19 any of the sales made by Mr. Gussoni, did not conspire with Mr. Gussoni in any gun sales, and

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1 did not violate any federal firearm statutes.

2 Respectfully submitted this October 17, 2011.

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4 KAREN L. UNGER, P.S.

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6 /Karen L. Unger/
7 KAREN L. UNGER
8 Attorney for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2011 filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the United States. I hereby certify that I have served the attorney(s) of record for the United States that are not CM/ECF participants via telefax.

/ Karen L. Unger/
KAREN L. UNGER
332 E. 5th Street
Port Angeles, WA 98362
Phone: 360-452-7688
Fax: 360-457-0581